

BESTPITCH
36154-121602



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***DECEMBER 16, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. (All present)

The Invocation was delivered by The Reverend Jeffrey V. Doremus, Minister of Leadership and Family Life, First Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, December 19, 2002, at 7:00 p.m., and Saturday, December 21, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring Tuesday, December 17, 2002, as Red Cross
"Donorama" Day.

File #3-142

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of City Council held on Monday, October 15, 2002, recessed until Thursday, October 17, 2002, recessed until Friday, October 18, 2002, and recessed until Thursday, October 31, 2002; and the regular meeting of City Council held on Monday, November 4, 2002, and recessed until Thursday, November 7, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #110-132

- C-3 A communication from Council Member C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

File #110-132

- C-4 A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to an increase in water rates.

RECOMMENDED ACTION: Concur in the request.

File #104-468

- C-5 Qualification of the following persons: /

Monica S. Prince as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2005;

David Fifer as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004; and

Robert K. Bengtson as a member of the Board of Directors, Roanoke Valley Resource Authority, for a term ending December 31, 2006.

RECOMMENDED ACTION: Receive and file.

File #15-20-110-192-253-316

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. A communication from the Honorable Donald S. Caldwell, Roanoke City Commonwealth Attorney, requesting amendment to the CY 2002-2003 Virginia Exile Grant; and acceptance of the 2003 Virginia Exile Grant by the Department of Criminal Justice Services; and a communication from the City Manager concurring in the request.

Adopted Budget Ordinance No. 36154-121602 and Resolution No. 36155-121602. (7-0.)
File #60-133-236

- b. A request of Blue Ridge Behavioral Healthcare to present a briefing with regard to services provided to City of Roanoke residents in fiscal year 2002. Robert Williams, Member, Blue Ridge Behavioral Healthcare Board of Directors; and S. James Sikkema, Executive Director, Spokespersons.

Received and filed.
File #110-335

- c. A request of the Roanoke Fire Fighters Association to present a model of Roanoke's Fallen Fire Fighter Memorial. Robert L. Humphreys, Vice-Chair, Roanoke Arts Commission, and Liaison from the Arts Commission to the Fire Fighters Memorial Committee, Spokesperson.

Received and filed.
File #5-70

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication with regard to the Roanoke Passenger Station Renovation Project.

**Adopted Budget Ordinance No. 36156-121602 and Ordinance No. 36157-121602. (6-0, Council Member Wyatt was out of the Council Chamber when the vote was recorded.)
File #60-537**

2. A communication recommending revisions to the Procurement Ordinance.

**Adopted Ordinance No. 36158-121602. (6-0, Council Member Wyatt was out of the Council Chamber when the vote was recorded.)
File #24-497**

3. A communication recommending adoption of a budget for operation of the City Market Building for the remainder of the 2002-03 fiscal year.

**Adopted Budget Ordinance Nos. 36159-121602 and 36160-121602. (7-0.)
File #42-60-166**

4. A communication in connection with transfer of funds for the comfort station replacement project.

**Adopted Budget Ordinance No. 36161-121602. (7-0.)
File #60-67**

5. A communication recommending acceptance of the bid submitted by S. C. Rossi & Co., Inc., for completion of the Summit Hills Storm Drain Project - Phase II, in the amount of \$158,000.00.

**Adopted Budget Ordinance No. 36162-121602 and Ordinance No. 36163-121602. (7-0.)
File #27-60-468**

6. A communication recommending acceptance of the bid submitted by S. C. Rossi & Co., Inc., for construction of new concrete sidewalks, entrances and curb on various streets within the Old Southwest section of the City, in the amount of \$203,065.00.

**Adopted Budget Ordinance No. 36164-121602 and Ordinance No. 36165-121602. (7-0.)
File #57-60-514**

7. A communication recommending execution of a contract with Harmony Information Systems, Inc., to provide a Comprehensive Services Act Application System.

**Adopted Resolution No. 36166-121602. (7-0.)
File #72**

8. A communication in connection with the Shaffer's Crossing Community Development Project.

Adopted Resolution No. 36167-121602. (7-0.)

**Ms. Lourice Thomas, 4053 Clairmont Drive, S. W., addressed Council in connection with property that she owns in the Shaffers Crossing Redevelopment area. She stated that she was advised, through her attorney, that City staff previously indicated that it would be pointless to file a rezoning petition for C-2 inasmuch as the total area is designated Light Manufacturing District in a long range plan, and in view of the fact that the parcel of land contains less than two acres. If the Shaffers Crossing project is resolved, she suggested that the City consider reinstating previous zoning in which C-2 Commercial would be allowed in a Light Manufacturing District. The matter was referred to the City Manager for report to Council.
File #51-178-200**

9. A communication recommending rejection of all proposals received in connection with the Colonial Avenue Development Project.

**Adopted Resolution No. 36168-121602. (7-0.)
File #200-514**

10. A communication recommending acceptance of a donation from the LifeNet Donor Memorial Foundation, Inc.

Adopted Budget Ordinance No. 36169-121602 and Ordinance No. 36170-121602. (7-0.)

**It was the consensus of Council that the LifeNet Donor Memorial Foundation, Inc., will be presented with a "Shining Star" award at a future City Council meeting.
File #67-68-80**

11. A communication recommending execution of a contract with Easter Seals of Virginia, in connection with promoting a series of concerts in Elmwood Park.

**Adopted Ordinance No. 36171-121602. (7-0.)
File #67-317**

7. REPORTS OF COMMITTEES:

- a. A report of the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

**Adopted Budget Ordinance No. 36172-121602. (7-0.)
File #60-467**

8. UNFINISHED BUSINESS: NONE.

**9. INTRODUCTION AND CONSIDERATION OF
ORDINANCES AND RESOLUTIONS: NONE.**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council adopted Resolution No. 36186-121602 authorizing execution of an Early Action Compact for the Roanoke Metropolitan Statistical Area. (7-0.)

File #110-326

Council Member Wyatt suggested that the City Manager study the feasibility of offering incentives to those City employees who ride Valley Metro to work, in lieu of driving their personal vehicles.

File #55-184

Council Member Wyatt inquired as to whether vehicles were rented from a local construction company in connection with recent snow removal efforts, and, if so, what were the costs incurred by the City.

File #60-410-472

Council Member Wyatt requested a status report on those services that have been contracted out by the City, the cost of such services prior to contracting out, and cost savings to the City, if any, as a result of contracting for the services.

File #60-175

Due to inclement weather, Council Member Carder advised that the annual Christmas Parade which was scheduled for Friday, December 13 was postponed and has been rescheduled for Friday, December 20 at 6:30 p.m.

File #277-317

The Mayor advised that the year 2002 was filled with trials and tribulations with regard to the City's water supply as a result of the lack of rainfall; whereupon, he commended the City Manager and City staff on their efforts to identify additional sources of water. He advised that it has been an honor to serve as Mayor during the past calendar year, and he looks forward to many successes in the year 2003. He extended best wishes to the citizens of the City of Roanoke for a happy and joyous holiday season.

File #80-184-468

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

The City Manager commended City staff on snow removal efforts during a recent snow event. She advised that the snow event was followed by rainfall which caused Carvins Cove Reservoir to rise to 18.8 feet below spillway, and even though the water level has risen, she encouraged citizens to continue their efforts to conserve water.

File #184-410-468

The City Manager called attention to the dedication of the Crystal Spring Filtration Plant on Wednesday, December 18, at 12:30 p.m.

File #468

The City Manager advised that it is proposed that Council and the City Planning Commission will hold a joint public hearing on Tuesday, January 21, 2003, at 7:00 p.m., with regard to a measure regulating tattoo parlors in the City of Roanoke.

File #51-132-200

On behalf of City staff, the City Manager expressed appreciation to the Members of Council for granting December 24, 2002, as an additional holiday for City employees. She advised that Solid Waste personnel will collect refuse during the week of Christmas on Monday, Tuesday, Thursday and Friday and will take the additional holiday at a later date.

File #144-184

Ms. Burcham expressed appreciation for the opportunity to serve as City Manager of the City of Roanoke. She advised that she looks forward to a prosperous new year for the citizens of Roanoke and for the Members of City Council.

File #104-132

THE MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN CITY COUNCIL'S CONFERENCE ROOM FOR A BRIEFING WITH REGARD TO CERTAIN TRAFFIC CALMING PROPOSALS.

Following the briefing, the meeting was declared in recess for one Closed Session.

FOLLOWING THE CLOSED SESSION, THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 5:00 P.M., FOR DINNER, FOLLOWED BY ONE CLOSED SESSION ON A PERSONNEL MATTER, BEING THE MID-YEAR PERFORMANCE EVALUATIONS OF THREE COUNCIL-APPOINTED OFFICERS.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***DECEMBER 16, 2002
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (All present)

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The meeting was televised live by RVTB Channel 3 to be replayed on Thursday, December 19, 2002, at 7:00 p.m., and Saturday, December 21, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

CERTIFICATION OF CLOSED MEETING. (7-0)

A. PRESENTATIONS AND ACKNOWLEDGMENTS:

**Shining Star Awards were presented to Dr. Carol Gilbert, the Garden City Recreation Club, and the Garden City Civic League.
File #80**

B. PUBLIC HEARINGS:

1. Public hearing on a request of Dudley Automotive Corp. to rezone a tract of land lying on Campbell Avenue, S. W., Official Tax No. 1220415, from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Roy V. Creasy, Attorney.

**Adopted Ordinance No. 36173-121602. (7-0.)
File #51**

2. Public hearing on a request of Dudley Automotive Corp. that an alley lying between Official Tax Nos. 1220415 and 1220416, be permanently vacated, discontinued and closed. Roy V. Creasy, Attorney.

**Adopted Ordinance No. 36174-121602. (7-0.)
File #514**

3. Public hearing on a request of WS Associates of Virginia, L.L.C., to rezone two tracts of land located at the intersection of 1261 Riverland Road and Garden City Boulevard, S. E., identified as Official Tax Nos. 4360104 and 4360103, from RM-1, Residential Multi-family, Low-Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

**Adopted Ordinance No. 36175-121602. (7-0.)
File #51**

4. Public hearing with regard to a proposal of the City of Roanoke to convey by exchange a portion of City-owned property bearing Official Tax Nos. 1113418 and 1113419. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36176-121602. (7-0.)
File #51-100-166

5. Public hearing on a request of the YMCA of Roanoke Valley, Inc., to rezone tracts of land lying between Campbell Avenue, Fifth Street, Luck Avenue and Sixth Street, S. W., comprising approximately 2.89 acres, more or less, and identified as Official Tax Nos. 1113401, 1113408 - 1113412, inclusive, and 1113414 - 1113425, inclusive, from C-1, Office District, to C-3, Central Business District. James F. Douthat, Attorney.

Adopted Ordinance No. 36177-121602. (7-0.)
File #51-100

6. Public hearing with regard to conveyance of a portion of City-owned property, identified as Official Tax No. 4010217, such land being subject to any and all previous conveyances or leases, to the Western Virginia Foundation for the Arts and Sciences for design, development and construction on the property of a new building or complex to house an art museum and IMAX Theatre, subject to terms of an Agreement dated April 16, 2001, and any subsequent amendments to such Agreement between the City and the Foundation. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36178-121602. (7-0.)
File #166-427-538

7. Public hearing on a request of the Western Virginia Foundation for the Arts and Sciences, a Virginia non-stock corporation, that portions of Norfolk Avenue and First Street, S. E., adjacent to Official Tax No. 4010205, be permanently vacated, discontinued and closed. Stephen W. Lemon, Attorney.

Adopted Ordinance No. 36179-121602. (7-0.)
File #427-514-538

8. Public hearing on a request of Martha G. Hayes and Stanley C. Simmons, Jr., that a certain portion of an alley lying between Official Tax Nos. 4151204 and 4151205, from its southerly boundary at Arbutus Avenue, S. E., to the boundary of property acquired by the Roanoke River Flood Reduction Project, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 36180-121602. (7-0.)
File #237-514

9. Public hearing with regard to an amendment to Vision 2001 - 2020, the City's Comprehensive Plan, to include the Peters Creek North Neighborhood Plan and the Loudon-Melrose/Shenandoah West Neighborhood Plan as elements of Vision 2001-2020, the City's Comprehensive Plan. Robert B. Townsend, Director, Planning, Building and Development, Spokesperson.

Adopted Ordinance Nos. 36181-121602 and 36182-121602. (7-0.)
File #200

10. Public hearing on a request of Roanoke Valley Harley Davidson Owners Group, Inc., for Amendment of Proffered Conditions for a parcel of land lying on the east side of Peters Creek Road, N. W., designated as Official Tax No. 6380101 (1925 Peters Creek Road, N. W.); and to amend, repeal or replace proffered conditions authorized by Ordinance No. 35030-090500 presently binding upon Official Tax No. 6380101. Edward A. Natt, Attorney.

Adopted Ordinance No. 36183-121602. (7-0.)
File #51

11. Public hearing on a request of Bland A. Painter, III, Betty J. Painter and FR-1 Investments, L.L.C., to rezone approximately 7.292 acres, more or less, on Franklin Road, S. W., identified as Official Tax Nos. 1272504, 1272505, 1150103, and a portion of 1150106, from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners. Maryellen F. Goodlatte, Attorney.

**Adopted Ordinance No. 36184-121602. (7-0.)
File #51**

12. Public hearing with regard to amendment of Sections 36.1-206, Permitted uses, C-2, General Commercial District, and 36.1-228, Special exception uses, C-3, Central Business District, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide standards for motor vehicle service station canopies in said zoning districts. Robert B. Townsend, Director, Planning, Building and Development, Spokesperson.

**Adopted Ordinance No. 36185-121602. (7-0.)
File #51**

William D. Poe was reappointed and Joseph Miller was appointed as Members of the Board of Zoning Appeals for terms ending December 31, 2005.

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Robert Gravely, 729 Loudon Avenue, N. W., addressed Council with regard to insufficient wages for City employees, lack of progress by the City of Roanoke, misappropriation of City funds, and the City's lack of concern for its disadvantaged citizens.

THE CITY COUNCIL MEETING WAS DECLARED IN RECESS UNTIL WEDNESDAY, DECEMBER 18, 2002, AT 2:00 P.M., FOR THE CITY COUNCIL'S PLANNING RETREAT AT THE HOTEL ROANOKE AND CONFERENCE CENTER, APPALACHIAN ROOM.